



January 31, 2002

HOUSE BILL No. 1071

DIGEST OF HB 1071 (Updated January 29, 2002 7:05 PM - DI 96)

Citations Affected: IC 9-21.

Synopsis: Traffic regulation on private roads. Provides that state and local traffic regulation may occur on private roads and highways. Establishes a procedure by which a local authority may adopt additional traffic regulations by ordinance regarding a private road within the authority's jurisdiction. Makes conforming amendments.

Effective: Upon passage.

Stilwell, Hinkle

January 8, 2002, read first time and referred to Committee on Roads and Transportation.
January 30, 2002, amended, reported — Do Pass.

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January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1071

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A local authority may
3 adopt by ordinance additional traffic regulations with respect to ~~streets,~~
4 ~~and~~ highways under the authority's jurisdiction. An ordinance adopted
5 under this subsection may not conflict with or duplicate a statute.

6 (b) **After a request has been made at a public meeting or by**
7 **certified mail to the legislative body (as defined in IC 36-1-2-9)**
8 **from the property owner, a local authority may adopt by ordinance**
9 **additional traffic regulations with respect to a private road within**
10 **the authority's jurisdiction. The ordinance:**

11 **(1) must require a contractual agreement between the local**
12 **authority and property owner of the private road setting forth**
13 **the terms and responsibilities of the additional traffic**
14 **regulations;**

15 **(2) must require the contractual agreement required under**
16 **subdivision (1) to be recorded after passage of the ordinance**
17 **in the office of the recorder of the county in which the private**

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1 **road is located; and**

2 **(3) may not conflict with or duplicate state law.**

3 **(c)** A fine assessed for a violation of a traffic ordinance adopted by
4 a local authority may be deposited into the general fund of the
5 appropriate political subdivision.

6 SECTION 2. IC 9-21-1-3 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A local authority, with
8 respect to **private roads** ~~streets~~, and highways under the authority's
9 jurisdiction, **in accordance with section 2 of this chapter**, and within
10 the reasonable exercise of the police power, may do the following:

11 (1) Regulate the standing or parking of vehicles.

12 (2) Regulate traffic by means of police officers or traffic control
13 signals.

14 (3) Regulate or prohibit processions or assemblages on the
15 highways.

16 (4) Designate a highway as a one-way highway and require that
17 all vehicles operated on the highway be moved in one (1) specific
18 direction.

19 (5) Regulate the speed of vehicles in public parks.

20 (6) Designate a highway as a through highway and require that all
21 vehicles stop before entering or crossing the highway.

22 (7) Designate an intersection as a stop intersection and require all
23 vehicles to stop at one (1) or more entrances to the intersection.

24 (8) Restrict the use of highways as authorized in IC 9-21-4-7.

25 (9) Regulate the operation of bicycles and require the registration
26 and licensing of bicycles, including the requirement of a
27 registration fee.

28 (10) Regulate or prohibit the turning of vehicles at intersections.

29 (11) Alter the prima facie speed limits authorized under
30 IC 9-21-5.

31 (12) Adopt other traffic regulations specifically authorized by this
32 article.

33 (13) Adopt traffic regulations governing traffic control on public
34 school grounds when requested by the governing body of the
35 school corporations.

36 (b) An ordinance or regulation adopted under subsection (a)(4),
37 (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), or (a)(13) is
38 effective when signs giving notice of the local traffic regulations are
39 posted upon or at the entrances to the highway or part of the highway
40 that is affected.

41 SECTION 3. IC 9-21-1-9 IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE UPON PASSAGE]: Sec. 9. Except when a different

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1 place is specifically referred to, this article applies ~~exclusively~~ to the
2 operation of vehicles upon highways ~~including and private streets or~~
3 roads of a residential subdivision, regardless of who maintains them.
4 SECTION 4. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "public".

Page 1, line 4, delete "or private roads,".

Page 1, line 4, strike "streets, and".

Page 1, line 7, after "(b)" insert **"After a request has been made at a public meeting or by certified mail to the legislative body (as defined in IC 36-1-2-9) from the property owner, a local authority may adopt by ordinance additional traffic regulations with respect to a private road within the authority's jurisdiction. The ordinance:**

(1) must require a contractual agreement between the local authority and property owner of the private road setting forth the terms and responsibilities of the additional traffic regulations;

(2) must require the contractual agreement required under subdivision (1) to be recorded after passage of the ordinance in the office of the recorder of the county in which the private road is located; and

(3) may not conflict with or duplicate state law.

(c)".

Page 1, line 12, delete "public or".

Page 1, line 12, after "roads" delete ",".

Page 1, line 12, strike "streets,".

Page 1, line 13, after "jurisdiction" insert **", in accordance with section 2 of this chapter,"**.

Page 2, line 30, strike "exclusively".

Page 2, line 31, delete ",".

Page 2, line 31, strike "including".

Page 2, line 31, delete "public or" and insert **"and"**.

Page 2, line 32, strike "streets or".

and when so amended that said bill do pass.

(Reference is to HB 1071 as introduced.)

COOK, Chair

Committee Vote: yeas 8, nays 0.

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